

**REMARKS**

This Amendment and Response is in reply to the Office Action dated October 31, 2008. In the present response, claims 1, 12, and 21 are amended as described below, and claim 31 is amended editorially. Claim 39 is added. Claims 1-29 and 31-39 are pending. Applicants wish to thank the Examiner for the careful review and consideration of this application, and respectfully request allowance of the present response in light of the amendments and remarks made herein.

***Attorney Docket Number***

The "Attorney Docket Number" has changed. Please update the records of the United States Patent & Trademark Office to read: 11585.0503USU1.

***Specification***

The specification is amended editorially in the present response to correct certain editing errors in the originally filed application. Applicants assert that the amendment to the specification does not affect the scope of the present application, and does not constitute new matter.

***Claim Rejections – 35 U.S.C. § 112***

Claims 1-20 are rejected in the Office Action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants respectfully traverse the rejection.

With respect to claims 1-11, Applicants note that these claims have been amended to require storage in memory and execution on a programmable circuit of the claimed modules. While Applicants disagree with the correctness of this rejection, Applicants assert that, at least based on these amendments, the structural make-up of the claim can be determined. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claims 1-11.

With respect to claims 12-20, Applicants note that these are method claims. The Office Action indicates that “In order for a series of steps to be considered a proper process under § 101,” the process must either be tied to another statutory class or transform the underlying subject matter. Although Applicants are unclear on how this comment applies to a rejection under § 112 and disagree with the rejection as stated in the Office Action, claim 12 is amended in the present response to require that the method operate on a computing system (e.g. the system of Figure 2). Applicants assert that claims 12-20 are not indefinite, and respectfully request reconsideration and withdrawal of the rejection of these claims as well.

*Claim Rejections – 35 U.S.C. § 103*

The Office Action rejected claims 1-38 under 35 U.S.C. § 103(a) as being obvious over Alfred et al. (U.S. Pub. No. 2003/0187808) in view of Verchere (U.S. Pub. No. 2001/0047312), in further view of Thompson et al. (U.S. Pub. No. 2004/0068485) and still in further view of Whiteknucklewelding.com. Applicants respectfully traverse the rejection of these claims, and do not concede the characterizations of the references or claims as set forth in the Office Action. Applicants also reserve the right to make additional arguments as may be necessary, related to these claims.

The claims of the present application are directed to methods and systems for configuring a marine product, and pricing a configured marine product. In particular, the methods and systems of the present invention are able to generate a price that is based upon the differing set of prices for options as a marine product is configured. In addition, the methods and systems of the present invention are directed to display both the customer and dealer cost for all selected items (e.g. the marine product and the optional items available for that marine product) as part of the configuration process.

As clarified in each of the claims (as recited in detail below), a selected marine product can be associated with one or more optional items (e.g. optional equipment). The optional equipment that is available for the marine product and which can be selected is from a plurality

of sources. As illustrated in the application at Figure 5, a markup on each separate selection of the marine product and each of the optional items is used to generate a customer price.

**A. Claims 1-11**

Independent claim 1 recites, among other elements, an index product module, a markup module and a price quoting generation module. The index product module is described as “for displaying all of available marine products that may be configured by the marine product configuration and pricing system.” The markup module is described as “for separately specifying an amount a dealer price is to be increased for a marine product and each optional item available for the marine product based upon a specified figure”, and the price quoting generation module is described as “for selecting the marine product and optional items to be included within a configured marine product, the price quoting generation module generating a customer price for the marine product, selected optional items, and a total price for the configured marine product using pricing data from the markup module.”

The combination of Alfred et al. with Verchere et al., Thompson et al., and Whiteknucklewelding.com fails to disclose or suggest each of these features of claim 1. As described in Applicants’ previous response, none of the cited references discloses or suggests a markup module as claimed, “for separately specifying an amount a dealer price is to be increased for a marine product and each optional item available for the marine product based upon a specified figure.” Alfred et al. discloses marking up the price of a paper product at a constant, prespecified value or rate based on an estimated cost of manufacture of the paper product to customer specifications. *See, e.g.*, Alfred et al., ¶ [0060]. Alfred et al. does not disclose or suggest separately specifying an amount to increase a dealer price based on the marine product and each selected additional item, as claimed. Further, none of Verchere, Thompson et al., or Whiteknucklewelding.com discloses or suggests a markup module as claimed. Verchere allows markup of items based on certain types of miscellaneous additional charges (*see, e.g.* Verchere, Figures 4-5), but these are related to either (1) processing charges for volume orders or (2) an overall charge amount. Further, neither Thompson et al. nor Whiteknucklewelding.com disclose

or suggest any method of generating a markup of items. Therefore, this element is lacking from and not suggested by the cited prior art.

The Office Action indicates, in response to Applicants' previous arguments, that "Alfred et al discloses the markup is determined based on at least one of a plurality of mark-up factors wherein the plurality of mark-up factors includes quantity requested, product type, and product features." However, while Applicants agree that Alfred et al. discloses generating an overall markup based on a plurality of mark-up factors, that reference does not disclose generating separate markups for each selected item (e.g. the marine product and each separate optional item), as required in the claim. Rather, Alfred et al. discloses that a plurality of factors can be used to markup the final price, rather than applying a markup separately to the marine item and each optional item selected.

Second, the combination of references fails to disclose or suggest a price quoting generation module as claimed, which provides for "selecting the marine product and optional items to be included within a configured marine product, the price quoting generation module generating a customer price for the marine product, selected optional items, and a total price for the configured marine product using pricing data from the markup module." Alfred et al. discloses display of an overall customer cost of a paper product based on the specification provided by a customer. Alfred et al. fails to disclose or suggest generating separate customer prices for (1) a selected product, (2) selected optional items and (3) a total price, as claimed. Alfred et al. only displays a final, overall price (on per unit basis) for a fully customized paper product. See, e.g., Alfred et al., FIG. 8. Further, none of Verchere, Thompson et al. or Whiteknucklewelding.com discloses or suggests a price quoting module as claimed. Verchere discloses selectable, bulk unit sale pricing allowing a vendor to decrease per-unit process for a given order quantity; it is unrelated to generating the three claimed customer prices. Thompson relates to configuring products, such as windows, for use in an order. Whiteknucklewelding.com describes configuration of a boat, but does not disclose generating a price quotation in the manner claimed. Therefore, this element is not disclosed or suggested by the combination of prior art as asserted in the Office Action.

For at least the above reasons, Applicants assert that the asserted combination of prior art fails to render obvious independent claim 1. Applicants therefore respectfully request reconsideration and withdrawal of the rejection of that claim, as well as claims 2-11 which depend therefrom.

**B. Claims 12-29 and 31-38**

Independent claims 12 and 21 recite, among other elements, a method including selecting a configurable marine product from a group of available marine products, selecting one or more optional items from a group of available optional items corresponding to the selected configurable marine product, the group of available optional items received from a plurality of sources, generating a dealer cost for the selected configurable marine product and the selected one or more optional items from a database of dealer costs, and generating a customer price for the selected configurable marine product and the selected one or more optional items using the dealer costs and a price increase value corresponding to the selected configurable marine product and to each of the selected one or more selected optional items.

In contrast to the pending claims, the asserted combination of prior art at least fails to disclose or suggest “selecting one or more optional items from a group of available optional items corresponding to the selected configurable marine product, the group of available optional items received from a plurality of sources.” Alfred et al. discloses configuration of paper products, in which any options selected are not additional optional items from different sources, but are configuration options provided directly by the manufacturer of the paper product itself. Verchere, Thompson, and Whiteknucklewelding.com each also disclose use of product configuration software to allow ordering of configurable products from a single source as well. Therefore, none of these references describe a system that allows selection of optional items from a group received from a plurality of sources, and then generating corresponding prices (dealer price, customer price, price increase value) for the selected configurable marine product and optional items, based on those selections.

For at least this reason, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 12 and 21, as well as claims 13-20, 22-29, and 31-38, which depend from these independent claims.

***New Claim***

Claim 39 is added in the present response. Claim 39 includes at least each of the elements of the independent claims recited above, and therefore is allowable for at least the same reasons. Applicants respectfully request allowance of claim 39.

**Conclusion**

This response is believed to be responsive to all points raised in the Office Action. Accordingly, Applicants respectfully request reconsideration and allowance of all of the currently pending claims. Should the Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned attorney to discuss the same.

Respectfully submitted,

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